

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TROY WILSON,

CIVIL ACTION

Plaintiff,

CASE NO. 1:19-cv-00146-MJH

v.

Judge Marilyn J. Horan

TPK, INC.,

Defendant,

v.

SMG EQUIPMENT, LLC,

Additional Defendant.

JOINT PROPOSED SCHEDULING ORDER

AND NOW, this 19th day of December,
2020,

IT IS ORDERED that this action is placed under the Local Patent Rules of this Court for pretrial proceedings and all provisions of these Rules will be strictly enforced.

IT IS FURTHER ORDERED that counsel shall confer with their clients prior to all scheduling, status, or pretrial conferences to obtain authority to participate in settlement negotiations which may be conducted or ordered by the Court.

IT IS FURTHER ORDERED that compliance with provisions of Local Rule 16 and the Local Patent Rules shall be completed as follows:

(1) Each party will simultaneously exchange Proposed Claim Terms and Phrases for Construction by January 7, 2021. [LPR 4.1(a)];

(2) Each party will simultaneously exchange a preliminary proposed construction of each term or phrase by January 21, 2021. [LPR 4.1(b)]

(3) The parties shall meet and confer by January 28, 2021 to identify claim terms and phrases that are in dispute, and claim terms and phrases that are not in dispute and prepare and file a Joint Disputed Claim Terms Chart and Prehearing Statement. Each party shall also file with the Joint Disputed Claim Terms Chart and Prehearing Statement

an appendix containing a copy of each item of intrinsic evidence cited by the party in the Joint Disputed Claim Terms Chart. [LPR 4.2]

(4) Wilson will serve its claim construction expert report by February 4, 2021.

(5) TPK and SMG will serve their respective claim construction expert reports by February 18, 2021.

(6) Deadline for claim construction discovery by March 12, 2021.

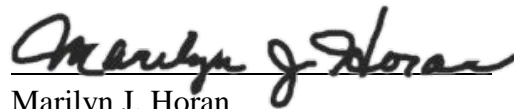
(7) Status conference with the Court TBD to discuss the logistics, format, and length of the Claim Construction Hearing and to propose a schedule for deadlines post-Claim Construction Hearing pursuant to the Local Patent Rules.

(8) Plaintiff shall file and serve an Opening Claim Construction Brief and an identification of extrinsic evidence by March 19, 2021. [LPR 4.3]

(9) Both TPK and SMG shall file and serve a response to the Opening Claim Construction Brief, an identification of extrinsic evidence and any objections to extrinsic evidence by April 9, 2021. [LPR 4.3]

(10) The opening party may serve and file a Reply directly rebutting the opposing parties' Responses, and any objections to extrinsic evidence by April 23, 2021. [LPR 4.3]

(11) The Court will conduct a hearing on the issue of Claim Construction TBD.

A handwritten signature in black ink, appearing to read "Marilyn J. Horan", written over a horizontal line.

Marilyn J. Horan
United States District Judge

cc: All Counsel of Record